

The Gazette of India



EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bill was introduced in Lok Sabha on the 1st September, 1958:

*BILL No. OF 1958

A Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Delhi Rent Control Act, 1958. Short title, extent and commencement.
- (2) It extends to the areas included within the limits of the New Delhi Municipal Committee and the Delhi Cantonment Board and to such urban areas within the limits of the Municipal Corporation of Delhi as are specified in the First Schedule:
- 10 Provided that the Central Government may, by notification in the Official Gazette, extend this Act or any provision thereof to any other urban area of the Municipal Corporation of Delhi or exclude any area from the operation of this Act or any provision thereof.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 15 2. In this Act, unless the context otherwise requires,—
- (a) "basic rent", in relation to premises let out before the 2nd day of June, 1944, means the basic rent of such premises as determined under the provisions of the Second Schedule;

Definitions.

20 *The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

(b) "Controller" means a Controller appointed under sub-section (1) of section 34 and includes an additional Controller appointed under sub-section (2) of that section;

(c) "fair rate" means the fair rate fixed under section 30 and includes the rate as revised under section 31; 5

(d) "hotel or lodging house" means a building or part of a building where lodging with or without board or other services is provided for a monetary consideration;

(e) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, 10 whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant; 15

(f) "lawful increase" means an increase in rent permitted under the provisions of this Act;

(g) "manager of a hotel" includes any person in charge of the management of the hotel;

(h) "owner of a lodging house" means a person who receives 20 or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or a trustee for any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;

(i) "premises" means any building or part of a building 25 which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;

(ii) any furniture supplied by the landlord for use in 30 such building or part of the building;

but does not include a room in a hotel or lodging house;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "standard rent", in relation to any premises, means the 35 standard rent referred to in section 6 or where the standard rent has been increased under section 7, such increased rent;

(l) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable; 40

(m) "urban area" has the same meaning as in the Delhi Municipal Corporation Act, 1957.

3. Nothing in this Act shall apply—

(a) to any premises belonging to the Government; or

5 (b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government.

Act not to apply to certain premises.

CHAPTER II

PROVISIONS REGARDING RENT

10 4. (1) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of January, 1939, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Act.

Rent in excess of standard rent not recoverable.

15 (2) Subject to the provisions of sub-section (1), any agreement for the payment of rent in excess of the standard rent shall be null and void and shall be construed as if it were an agreement for the payment of the standard rent only.

20 5. (1) Subject to the provisions of this Act, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary.

Unlawful charges not to be claimed or received.

(2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,—

25 (a) claim or receive the payment of any sum as premium or *pugree* or claim or receive any consideration whatsoever, in cash or in kind, in addition to the rent; or

(b) except with the previous permission of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

30 (3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or a sub-tenant to claim or receive any payment in consideration of the relinquishment of his tenancy or sub-tenancy, as the case may be, of any premises.

(4) Nothing in this section shall apply—

35 (a) to any payment made in pursuance of an agreement entered into before the 1st day of January, 1939; or

40 (b) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises

when completed for the use of that person or any member of his family:—

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

Explanation.—For the purposes of clause (b) of this sub-section, a “member of the family” means, in the case of an undivided Hindu family, any member of such family and in the case of any other family, the husband, wife, son, daughter, father, mother, brother, sister or any other person dependent on him.

**Standard
rent.**

6. “Standard rent”, in relation to any premises, means—

(a) where the premises have been let out at any time before the 2nd day of June, 1944, the basic rent of such premises as determined under the provisions of the Second Schedule together with ten per cent. of such basic rent;

(b) where the premises were constructed before the 2nd day of June, 1951, and let out at any time on or after the 2nd day of June, 1944—

(i) in any case where the rent of such premises has been fixed under the Delhi and Ajmer Merwara Rent Control Act, 1947, or the Delhi and Ajmer Rent Control Act, 1952, the rent so fixed together with ten per cent. of such rent; or

19 of 1947.
38 of 1952.

(ii) in any other case, the rent calculated on the basis of annual payment of an amount equal to eight and one-fourth per cent. per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction:

Provided that so long as standard rent is not so fixed under this sub-clause, the rent at which the premises were first let out together with ten per cent. of such rent shall be deemed to be the standard rent;

(c) where the premises have been constructed on or after the 2nd day of June, 1951, including premises constructed after the commencement of this Act, the rent calculated on the basis of annual payment of an amount equal to eight and one-fourth per cent. per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction :

Provided that—

(a) in the case of any premises constructed on or after the 2nd day of June, 1951, but before the 9th day of June,

1955, the rent at which the premises were let for the month of March, 1958, or if they were not so let, the rent at which they were last let out shall be deemed to be the standard rent for a period of seven years from the date of the completion of the construction of such premises; and

(b) in the case of any premises constructed on or after the 9th day of June, 1955, including premises constructed after the commencement of this Act, the rent agreed upon between the landlord and the tenant when such premises were first let out shall be deemed to be the standard rent for a period of five years from the date of such letting out.

7. (1) Where a landlord has at any time, whether before or after the commencement of this Act, incurred expenditure for any improvement, addition or structural alteration in the premises, not being expenditure on decoration or tenantable repairs necessary or usual for such premises, and the cost of that improvement, addition or alteration has not been taken into account in determining the rent of the premises, the landlord may lawfully increase the standard rent per year by an amount not exceeding eight and one-fourth per cent. of such cost.

Lawful
increase of
standard
rent in cer-
tain cases.

(2) Where a landlord pays in respect of the premises any charge for electricity or water consumed in the premises or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant the amount so paid by him; but the landlord shall not recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant, unless an agreement between the landlord and the tenant otherwise provides.

(3) Where a part of the premises let for use to a tenant has been sub-let by him—

(a) the landlord may lawfully increase the rent payable by the tenant—

(i) in the case of any premises let for residential purposes, by an amount not exceeding twelve and one-half per cent. of the standard rent of the part sub-let;

(ii) in the case of any premises let for other purposes, by an amount not exceeding twenty-five per cent. of the standard rent of the part sub-let;

(b) the tenant may lawfully increase the rent payable by the sub-tenant—

(i) in the case of any premises let for residential purposes, by an amount not exceeding twenty-five per cent. of the standard rent of the part sub-let; and 5

(ii) in the case of any premises let for other purposes, by an amount not exceeding fifty per cent. of the standard rent of the part sub-let;

(c) the tenant shall, on being so required in writing by the landlord, supply, within fourteen days of such request being 10 made, a statement in writing giving full particulars of any sub-letting including the rent charged.

Notice of increase of rent.

8. (1) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to make the increase and in so far as such increase is lawful under this Act, it 15 shall be due and recoverable only in respect of the period of the tenancy after the expiry of thirty days from the date on which the notice is given.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided 20 in section 106 of the Transfer of Property Act, 1882.

4 of 1882.

(3) For the avoidance of doubt, it is hereby declared that the provisions of this section apply equally to any increase in rent payable by the sub-tenant.

Controller to fix standard rent, etc.

9. (1) The Controller shall, on an application made to him in this 25 behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any premises—

(i) the standard rent referred to in section 6; or

(ii) the increase, if any, referred to in section 7.

(2) In fixing the standard rent of any premises or the lawful increase thereof, the Controller shall fix an amount which appears to him to be reasonable having regard to the provisions of section 6 or section 7 and the circumstances of the case. 30

(3) Where for any reason it is not possible to determine the standard rent of any premises on the principles set forth under 35 section 6, the Controller may fix such rent as would be reasonable having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises. 40

(4) The standard rent shall in all cases be fixed for a tenancy of twelve months:

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(5) In fixing the standard rent of any premises under this section, the Controller shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(6) In fixing the standard rent of any premises under this section, the Controller shall specify a date from which the standard rent so fixed shall be deemed to have effect:

Provided that in no case the date so specified shall be earlier than one year prior to the date of the filing of the application for the fixation of the standard rent.

10. If an application for fixing the standard rent or for determining the lawful increase of such rent is made under section 9, the Controller shall, as expeditiously as possible, make an order specifying the amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

Fixation of interim rent.

11. No collector of rent or middleman shall be liable to pay to his principal, in respect of any premises, any sum by way of rental charges which exceeds the amount which he is entitled under this Act to realise from the tenant or tenants of the premises.

Limitation of liability of middlemen.

12. Any landlord or tenant may file an application to the Controller for fixing the standard rent of the premises or for determining the lawful increase of such rent,—

Limitation for application for fixation of standard rent.

(a) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose, before the commencement of this Act, within one year from such commencement;

(b) in the case of any premises let after the commencement of this Act, within one year from the date on which it is so let; and

(c) in the case of any premises in which the cause of action for lawful increase of rent arises after the commencement of this Act, within one year from the date on which the cause of action arises:

Provided that the Controller may entertain the application after the expiry of the said period of one year, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

Refund of rent, premium, etc., not recoverable under the Act.

13. Where any sum or other consideration has been paid, whether before or after the commencement of this Act, by or on behalf of a tenant to a landlord, in contravention of any of the provisions of this Act or of the Delhi and Ajmer Rent Control Act, 1952, the Controller may, on an application made to him within a period of one year from the date of such payment, order the landlord to refund such sum or the value of such consideration to the tenant or order adjustment of such sum or the value of such consideration against the rent payable by the tenant.

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CHAPTER III

CONTROL OF EVICTION OF TENANTS

Protection of tenant against eviction.

14. (1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:

Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely:—

(a) that the tenant has neither paid nor tendered the whole of the arrears of the rent due within one month of the date on which a notice of demand for the arrears of rent has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882;

4 of 1882.

(b) that the tenant has sub-let, assigned or otherwise parted with the possession of the whole or any part of the premises—

(i) if the premises have been let out after the 15th day of April, 1952, without obtaining the consent in writing of the landlord; or

(ii) if the premises have been let before the said date, without obtaining his consent;

(c) that the tenant has used the premises for a purpose other than that for which they were let—

5 (i) if the premises have been let after the 15th day of April, 1952, without obtaining the consent in writing of the landlord; or

(ii) if the premises have been let before the said date, without obtaining his consent;

10 (d) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the filing of the application for the recovery of possession thereof;

15 (e) that the premises let for residential purposes are required *bona fide* by the landlord for occupation as a residence either for himself, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other suitable accommodation;

20 *Explanation.*—For the purposes of this clause, “premises let for residential purposes” include any premises which having been let for use as a residence are, without the consent of the landlord, used incidentally for commercial or other purposes;

25 (f) that the premises have become unsafe or unfit for human habitation and are required *bona fide* by the landlord for carrying out repairs which cannot be carried out without the premises being vacated;

30 (g) that the premises are required *bona fide* by the landlord for the purpose of building or re-building or making thereto any substantial additions or alterations and that such building or re-building or addition or alteration cannot be carried out without the premises being vacated;

35 (h) that the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted, a suitable residence;

(i) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before

or after the commencement of this Act, to be in such service or employment;

(j) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the premises, or notwithstanding previous notice, has used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government or the Delhi Development Authority or the Municipal Corporation of Delhi while giving him a lease of the land on which the premises are situate; 10

(k) that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Development Authority or the Municipal Corporation of Delhi in pursuance of any improvement scheme or development scheme. 15

(2) No order for the recovery of possession of any premises shall be made on the ground specified in clause (a) of the proviso to sub-section (1), if the tenant makes payment or deposit as required by section 15:

Provided that no tenant shall be entitled to the benefit under 20 this sub-section, if, having obtained such benefit once in respect of any premises, he again makes a default in the payment of rent of those premises for three consecutive months.

(3) No order for the recovery of possession in any proceeding under sub-section (1) shall be binding on any sub-tenant referred 25 to in section 16 who has given notice of his sub-tenancy to the landlord under the provisions of that section, unless the sub-tenant is made a party to the proceeding and the order for eviction is made binding on him.

(4) For the purposes of clause (b) of the proviso to sub-section 30 (1), the Controller may presume that the premises have been sub-let by a tenant—

(a) in any case where such premises have been let for use as a residence, if the Controller is satisfied that any other person, not being a servant or a member of the family of such 35 servant, has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant; or

(b) in any case where such premises have been let for being used for the purposes of business or profession, if the Controller 40

is satisfied that the tenant without obtaining the consent in writing of the landlord has, after the 16th day of August, 1958, entered into a partnership with any other person to carry on business or profession in those premises.

5 (5) No application for the recovery of possession of any premises shall lie under sub-section (1) on the ground specified in clause (c) of the proviso thereto, unless the landlord has given to the tenant a notice in the prescribed manner requiring him to stop the misuse of the premises and the tenant has refused or failed to comply with
10 such requirement within one month from the date of the service of notice; and no order for eviction against the tenant shall be made in such a case, unless the Controller is satisfied that the misuse of the premises is of such a nature as is detrimental to the interests of the landlord.

15 (6) Where an order for the recovery of possession of any premises is made on the ground specified in clause (e) of the proviso to sub-section (1), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order.

20 (7) No order for the recovery of possession of any premises shall be made on the ground specified in clause (g) of the proviso to sub-section (1), unless the Controller is satisfied that the proposed reconstruction will not radically alter the purpose for which the premises were let or that such radical alteration is in the public
25 interest, and that the plans and estimates of such reconstruction have been properly prepared and that necessary funds for the purpose are available with the landlord.

15. (1) In every proceeding for the recovery of possession of any premises on the ground specified in clause (a) of the proviso to sub-
30 section (1) of section 14, the Controller shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the Controller within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the tenant may
35 have made default including the period subsequent thereto upto the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at that rate.

When a tenant can get the benefit of protection against eviction.

40 (2) If, in any proceeding for the recovery of possession of any premises on any ground other than that referred to in sub-section (1), the tenant contests the claim for eviction, the landlord may,

at any stage of the proceeding, make an application to the Controller for an order on the tenant to pay to the landlord the amount of rent due and the Controller may, after giving the parties an opportunity of being heard, make an order in accordance with the provisions of the said sub-section.

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(3) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the amount of rent payable by the tenant, the Controller shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, until the standard rent in relation thereto is fixed having regard to the provisions of this Act, and the amount of arrears, if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month from the date on which the standard rent is fixed or such further time as the Controller may allow in this behalf.

(4) If in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the Controller may direct the tenant to deposit with the Controller the amount payable by him under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the Controller decides the dispute and makes an order for payment of the same.

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(5) If the Controller is satisfied that any dispute referred to in sub-section (4) has been raised by a tenant for reasons which are false or frivolous, the Controller shall order the defence against eviction to be struck out and proceed with the hearing of the application.

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(6) If a tenant makes payment or deposit as required by sub-section (1) or sub-section (3), no order shall be made for the recovery of possession on the ground of default in the payment of rent by the tenant, but the Controller may allow such costs as he may deem fit to the landlord.

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(7) If a tenant fails to make payment or deposit as required by this section, the Controller may order the defence against eviction to be struck out and proceed with the hearing of the application.

Creation
and termination
of sub-
tenancy.

16. (1) Where, after the commencement of this Act, any premises are sub-let either in whole or in part by the tenant with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the premises are sub-let may, in the prescribed manner, give

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notice to the landlord of the creation of the sub-tenancy within one month from the date of such sub-letting and notify the termination of such sub-tenancy within one month of such termination.

(2) Where, before the commencement of this Act, any premises
5 have been lawfully sub-let either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement
of this Act, and notify the termination of such sub-tenancy within
10 one month of such termination.

(3) Where in any case mentioned in sub-section (2), there is no consent in writing of the landlord and the landlord contests that the premises were not lawfully sub-let, the Controller shall, on an application made to him in this behalf either by the landlord or by the
15 sub-tenant, within two months of the date of the receipt of the notice of sub-letting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, decide the dispute.

17. (1) Where an order for eviction in respect of any premises is made under section 14 against a tenant but not against a sub-tenant
20 referred to in section 16 who has given notice of the sub-tenancy to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the premises in his occupation on the same terms and conditions on which he would have held from the tenant, if the
25 tenancy had continued.

Sub-tenant
to be tenant
in certain
cases.

(2) Where, before the commencement of this Act, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sub-let, the sub-tenant
30 shall, with effect from the date of the termination of the tenancy, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which he would have held from the tenant if the tenancy had continued.

(3) Where, before the commencement of this Act, a tenant has
35 sub-let the whole of the premises let to him, whether with or without the consent of the landlord, and the Controller, on an application made to him in this behalf by the sub-tenant within twelve months of such commencement, is satisfied that the whole of the premises are, as from the 16th day of August, 1958, in occupation of
40 the sub-tenant and that the tenant himself is not residing therein, then, notwithstanding anything contained in any other provision of

this Act or in any other law, the Controller may declare that the interest of the tenant in such premises shall cease and the sub-tenant shall, with effect from the date of such cessation, become a tenant holding directly under the landlord on the same terms and conditions on which he would have held from the tenant, if the tenancy had continued. 5

Recovery of possession for occupation and re-entry.

18. (1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (e) of the proviso to sub-section (1) of section 14, the landlord shall not, except with the permission of the Controller obtained in the prescribed 10 manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(2) Where a landlord recovers possession of any premises as 15 aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant 20 without obtaining the permission of the Controller under sub-section (1), the Controller may, on an application made to him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit. 25

Recovery of possession or repairs and rebuilding and re-entry.

19. (1) In making any order on the grounds specified in clause (f) or clause (g) of the proviso to sub-section (1) of section 14, the Controller shall ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of 30 the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or building or re-building, as the case may be.

(2) If the tenant delivers possession on or before the date speci- 35 fied in the order, the landlord shall, on the completion of the work of repairs or building or re-building, place the tenant in occupation of the premises or part thereof.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work 40 of repairs or building or re-building within one month of the specified date or fails to complete the work in a reasonable time or having

completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within such time as may be prescribed, order the landlord to place the tenant in
5 occupation of the premises or part thereof on the original terms and conditions or to pay to the tenant such compensation as the Controller thinks fit.

20. Where a landlord does not require the whole or any part of any premises for a particular period, and the landlord, after obtaining
10 the permission of the Controller in the prescribed manner, lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between the landlord and the tenant and the tenant does not, on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section
15 14 or in any other law, the Controller may, on an application made to him in this behalf by the landlord within such time as may be prescribed, place him in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

Recovery of possession in case of tenancies for limited period.

21. Where the landlord in respect of any premises is any company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such
20 landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 14 or in any other law, the Controller may, on an application made to
25 him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Controller is satisfied—

Special provision for recovery of possession in certain cases.

30 (a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or

35 (b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or

(c) that any other person is in unauthorised occupation of such premises; or

40 (d) that the premises are required *bona fide* by the public institution for the furtherance of its activities.

Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary.

Permission
to construct
additional
structures.

22. Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the Controller may permit the landlord to do such work and may make such other order as he thinks fit in the circumstances of the case. 5 10

Special
provision
regarding
vacant
building
sites.

23. (1) The provisions of this section shall apply notwithstanding anything contained in section 14, but only in relation to premises in the areas which the Central Government may, from time to time, specify by notification in the Official Gazette. 15

(2) Where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the Controller may— 20 25

- (a) direct such severance;
- (b) place the landlord in possession of the vacant land; 30
- (c) determine the rent payable by the tenant in respect of the rest of the premises; and
- (d) make such other order as he thinks fit in the circumstances of the case.

Vacant
possession
to landlord.

24. Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is made by the Controller under this Act for the recovery of possession of such premises, the order shall, subject to the provisions of section 17, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom : 35 40

Provided that nothing in this section shall apply to any person who has an independent title to such premises.

CHAPTER IV

DEPOSIT OF RENT

25. (1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable. Receipt to
be given
for rent
paid.

(2) Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent.

10 (3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (2), the Controller may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the land-
15 lord or his authorised agent to pay to the tenant by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent paid.

26. (1) Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 25 or refuses or neglects to deliver a receipt referred to therein or where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Controller in the prescribed manner. Deposit of
rent by the
tenant.

25 (2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

(a) the premises for which the rent is deposited with a description sufficient for identifying the premises;

(b) the period for which the rent is deposited;

30 (c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;

(d) the reasons and the circumstances for the application for deposit of the rent;

(e) such other particulars as may be prescribed.

35 (3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to

the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed: 5

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent an opportunity 10 of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a court of competent jurisdiction.

(5) If at the time of filing the application under sub-section (4) but not after the expiry of thirty days from receiving the notice of 15 deposit, the landlord or the person or persons claiming to be entitled to the rent complains or complain to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may levy on the 20 tenant a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(6) The Controller may, on the complaint of the tenant and after 25 giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in section 25 and may further order that 30 a sum out of the fine realised be paid to the tenant as compensation.

Time limit
for making
deposit and
consequen-
ces of in-
correct parti-
culars in
application
for deposit.

27. (1) No rent deposited under section 26 shall be considered to have been validly deposited under that section, unless the deposit is made within fifteen days of the time referred to in section 25 for payment of the rent. 35

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully or negligently makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the premises from the 40 tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reason mentioned in sub-section (2), the deposit shall constitute payment of rent to the landlord, as if the amount deposited had been validly
5 tendered.

28. (1) The withdrawal of rent deposited under section 26 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the
10 tenant's application for depositing the rent under the said section. Saving as to acceptance of rent and forfeiture of rent in deposit.

(2) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Controller, if it is not withdrawn before the expiration of five years from the date
15 of posting of the notice of deposit.

(3) Before passing an order of forfeiture, the Controller shall give notice to the landlord or the person or persons entitled to receive the rent in deposit by registered post at the last known address of such landlord or person or persons and shall also publish
20 the notice in his office and in any local newspaper.

CHAPTER V

HOTELS AND LODGING HOUSES

29. The provisions of this Chapter shall apply to all hotels and lodging houses in the areas which, immediately before the 7th day
25 of April, 1958, were included in the New Delhi Municipal Committee. Municipal Committee, Delhi and the Notified Area Committee, Civil Station, Delhi and may be applied by the Central Government, by notification in the Official Gazette, to hotels and lodging houses within the limits of such other urban area of the
30 Municipal Corporation of Delhi as may be specified in the notification: Application of the Chapter

Provided that if the Central Government is of opinion that it would not be desirable in the public interest to make the provisions of this Chapter applicable to any class of hotels and lodging houses,
35 it may, by notification in the Official Gazette, exempt such class of hotels and lodging houses from the operation of this Chapter.

30. (1) Where the Controller, on a written complaint or other-
wise, has reason to believe that the charges made for board or lodg-
ing or any other service provided in any hotel or lodging Fixing of fair rate.

house are excessive, he may fix a fair rate to be charged for board, lodging or other services provided in the hotel or lodging house and in fixing such fair rate, specify separately the rate for lodging board or other services.

(2) In determining the fair rate under sub-section (1), the Controller shall have regard to the circumstances of the case and to the prevailing rate of charges for the same or similar accommodation, board and service, during the twelve months immediately preceding the 1st day of June, 1951, and to any general increase in the cost of living after that date.

10

Revision of fair rate.

31. On a written application from the manager of a hotel or the owner of a lodging house or otherwise, the Controller may, from time to time, revise the fair rate to be charged for board, lodging or other service in a hotel or lodging house, and fix such rate as he may deem fit having regard to any general rise or fall in the cost of living which may have occurred after the fixing of fair rate.

Charges in excess of fair rate not recoverable.

32. When the Controller has determined the fair rate of charges in respect of a hotel or lodging house,—

(a) the manager of the hotel or the owner of the lodging house, as the case may be, shall not charge any amount in excess of the fair rate and shall not, except with the previous written consent of the Controller, withdraw from the lodger any concession or service allowed at the time when the Controller determined the fair rate;

(b) any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate;

(c) any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of six months from the date of the payment from the manager of the hotel or the owner of the lodging house or his legal representatives and may, without prejudice to any other mode of recovery, be deducted by such lodger from any amount payable by him to such manager or owner.

35

Recovery of possession by manager of a hotel or the owner of a lodging house.

33. Notwithstanding anything contained in this Act, the manager of a hotel or the owner of a lodging house shall be entitled to recover possession of the accommodation provided by him to a lodger on obtaining a certificate from the Controller certifying—

(a) that the lodger has been guilty of conduct which is a

40

nuisance or which causes annoyance to any adjoining or neighbouring lodger;

5 (b) that the accommodation is reasonably and *bona fide* required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or any other cause which may be deemed satisfactory to the Controller;

10 (c) that the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof;

15 (d) that the lodger has done any act which is inconsistent with the purpose for which the accommodation was given to him or which is likely to affect adversely or substantially the owner's interest therein;

(e) that the lodger has failed to pay the rent due from him.

CHAPTER VI

APPOINTMENT OF CONTROLLER AND THEIR POWERS AND FUNCTIONS AND APPEALS

20 34. (1) The Central Government may, by notification in the Official Gazette, appoint as many Controllers as it thinks fit, and define the local limits within which, or the hotels and lodging houses in respect of which, each Controller shall exercise the powers conferred, and perform the duties imposed, on Controllers by or under
25 this Act.

Appoint-
ment of
Controllers
and addi-
tional Con-
trollers.

(2) The Central Government may also, by notification in the Official Gazette, appoint as many additional Controllers as it thinks fit and an additional Controller shall perform such of the functions of the Controller as may, subject to the control of the
30 Central Government, be assigned to him in writing by the Controller and in the discharge of these functions, an additional Controller shall have and shall exercise the same powers and discharge the same duties as the Controller.

35 (3) A person shall not be qualified for appointment as a Controller or an additional Controller, unless he has for at least five years held a judicial office in India.

Powers of
Controller.

35. (1) The Controller may—

(a) transfer any proceeding pending before him for disposal to any additional Controller, or

(b) withdraw any proceeding pending before any additional Controller and dispose it of himself or transfer the proceeding for disposal to any other additional Controller. 5

(2) The Controller shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath: 10

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed;

and any proceeding before the Controller shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, and the Controller shall be deemed to be a civil court within the meaning of section 480 and section 482 of the Code of Criminal Procedure, 1898. 15
45 of 1860.
5 of 1898.

(3) For the purposes of holding any inquiry or discharging any duty under this Act, the Controller may,— 20

(a) after giving not less than twenty-four hours' notice in writing, enter and inspect or authorise any officer subordinate to him to enter and inspect any premises at any time between sunrise and sunset; or 25

(b) by written order, require any person to produce for his inspection all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

(4) The Controller may, if he so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as an assessor or assessors to advise him in the proceeding before him. 30

Procedure to
be followed
by Controller.

36. (1) No order which prejudicially affects any person shall be made by the Controller under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may 35

produce in support of the same have been considered by the Controller.

(2) Subject to any rules that may be made under this Act, the Controller shall, while holding an inquiry in any proceeding before him, follow as far as may be the practice and procedure of a court of small causes, including the recording of evidence.

(3) In all proceedings before him, the Controller shall consider the question of costs and award such costs to or against any party as the Controller considers reasonable.

10 **37. (1) An appeal shall lie from every order of the Controller made under this Act to the Rent Control Tribunal (hereinafter referred to as the Tribunal) consisting of one person only to be appointed by the Central Government by notification in the Official Gazette.** Appeal to the Tribunal.

15 (2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order made by the Controller:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in
20 time.

3 of 1908.

(3) The tribunal shall have all the powers vested in a court under the Code of Civil Procedure, 1908, when hearing an appeal.

(4) Without prejudice to the provisions of sub-section (3), the Tribunal may, on an application made to it or otherwise, by order
25 transfer any proceeding pending before any Controller or additional Controller to another Controller or additional Controller and the Controller or additional Controller to whom the proceeding is so transferred may, subject to any special directions in the order of transfer, dispose of the proceeding.

30 (5) A person shall not be qualified for appointment to the Tribunal, unless he is or has been a district judge or has for at least ten years held a judicial office in India.

38. (1) Subject to the provisions of sub-section (2), an appeal shall lie to the High Court from an order made by the Tribunal Second appeal.
35 within sixty days from the date of such order:

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie under sub-section (1) unless the appeal involves some substantial question of law.

Amendment
of orders.

39. Clerical or arithmetical mistakes in any order passed by a Controller or the Tribunal or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Controller or the Tribunal on an application received in this behalf from any of the parties or otherwise.

Controller
to exercise
powers of
a magistrate
for recovery
of fine.

40. Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1898, and the Controller shall be deemed to be a magistrate under the said Code for the purposes of such recovery. 5 of 1898.

Controller
to exercise
powers of
civil court
for execution
of other
orders.

41. Save as otherwise provided in section 40, an order made by the Controller or an order passed on appeal under this Act shall be executive by the Controller as a decree of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

Finality of
order.

42. Save as otherwise expressly provided in this Act, every order made by the Controller or an order passed on appeal under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

CHAPTER VII

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF LANDLORDS AND PENALTIES

Landlord's
duty to keep
the premises
in good
repair.

43. (1) Every landlords shall be bound to keep the premises in good and tenantable repairs, except in cases where the tenant has undertaken by agreement to keep the premises in repairs.

(2) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the premises are not habitable or useable except with undue inconvenience are to be made and the landlords neglects or fails to make them after notice in writing, the tenant may apply to the Controller for permission to make such repairs himself provided that the cost of such repairs does not exceed rent for a period of two years payable by that tenant and where such repairs are made with the permission of the Controller, the limitation as to the amount deductible or recoverable as provided in sub-section (2) shall not apply.

44. (1) No landlord either himself or through any person pur-
porting to act on his behalf shall without just or sufficient cause
cut off or withhold any essential supply or service enjoyed by the
tenant in respect of the premises let to him.

Cutting off
or with-
holding
essential
supply or
service.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the Controller complaining of such contravention.

(3) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(5) The Controller may in his discretion direct that compensation not exceeding fifty rupees—

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just or sufficient cause.

Explanation.—In this section, “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Landlord's
duty to give
notice of new
construction
to Govern-
ment.

45. Whenever, after the commencement of this Act, any premises are constructed, the landlord shall, within thirty days of the completion of such construction, give intimation thereof in writing to the Estate Officer to the Government of India or to such other officer as may be specified in this behalf by the Government. 5

Leases of
vacant
premises to
Government.

46. (1) The provisions of this section shall apply only in relation to premises in the areas which, immediately before the 7th day of 10 April, 1958, were included in the New Delhi Municipal Committee and which are, or are intended to be, let for use as a residence.

(2) Whenever any premises the standard rent of which is not less than two thousand and four hundred rupees per year becomes vacant either by the landlord ceasing to occupy the premises or by 15 the termination of a tenancy or by the eviction of a tenant or by the release of the premises from requisition or otherwise,—

(a) the landlord shall, within seven days of the premises becoming vacant, give intimation thereof in writing to the Estate Officer to the Government of India; 20

(b) whether or not such intimation is given, the Estate Officer may serve on the landlord by post or otherwise a notice—

(i) informing him that the premises are required by the Government for such period as may be specified in the 25 notice; and

(ii) requiring him, and every person claiming under him, to deliver possession of the premises forthwith to such officer or person as may be specified in the notice:

Provided that where the landlord has given the intimation 30 required by clause (a), no notice shall be issued by the Estate Officer under clause (b) more than seven days after the delivery to him of the intimation:

Provided further that nothing in this sub-section shall apply in respect of any premises the possession of which has been obtained 35 by the landlord on the basis of any order made on the ground set forth in clause (e) of the proviso to sub-section (1) of section 14 or in respect of any premises which have been released from requisition for the use and occupation of the landlord himself.

(3) Upon the service of a notice under clause (b) of sub-section (2), the premises shall be deemed to have been leased to the Government for the period specified in the notice, as from the date of the delivery of the intimation under clause (a) of sub-section (2) or in a case where no such intimation has been given, as from the date on which possession of the premises is delivered in pursuance of the notice, and the other terms of the lease shall be such as may be agreed upon between the Government and the landlord or in default of agreement, as may be determined by the
10 Controller, in accordance with the provisions of this Act.

(4) In every case where the landlord has in accordance with the provisions of sub-section (2) given intimation of any premises becoming vacant and the premises are not taken on lease by the Government under this section, the Government shall pay to the
15 landlord a sum equal to one-fifty-second of the standard rent per year of the premises.

(5) Any premises taken on lease by the Government under this section may be put to any such use as the Government thinks fit, and in particular, the Government may permit the use of the pre-
20 mises for the purposes of any public institution or any foreign embassy, legation or consulate or any High Commissioner or Trade Commissioner, or as a residence by any officer in the service of the Government or of a foreign embassy, legation or consulate or of a High Commissioner or Trade Commissioner.

25 47. (1) If any person contravenes any of the provisions of section 5, he shall be punishable— *Penalties.*

(a) in the case of a contravention of the provisions of sub-section (1) of section 5, with simple imprisonment for a term which may extend to three months, or with the fine which may
30 extend to a sum which exceeds the unlawful charge claimed or received under that sub-section by one thousand rupees, or with both;

(b) in the case of a contravention of the provisions of sub-section (2) or sub-section (3) of section 5, with simple imprisonment for a term which may extend to three months, or with fine
35 which may extend to a sum which exceeds the amount or value of unlawful charge claimed or received under the said sub-section (2) or sub-section (3), as the case may be, by five thousand rupees, or with both.

(2) If any tenant fails to comply with the provisions of clause (c) of sub-section (3) of section 7, or supplies under that clause, a statement which is false in any material particular, he shall be punishable with fine which may extend to one thousand rupees.

(3) If any tenant sub-lets the whole or part of any premises in contravention of the provisions of clause (b) of the proviso to sub-section (1) of section 14, he shall be punishable with fine which may extend to one thousand rupees. 5

(4) If any landlord re-lets the whole or any part of any premises in contravention of the provisions of sub-section (1) or sub-section (2) of section 18, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. 10

(5) If any landlord contravenes the provisions of sub-section (1) of section 44, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. 15

(6) If any landlord fails to comply with the provisions of section 45, he shall be punishable with fine which may extend to one hundred rupees.

(7) If any person contravenes the provisions of clause (a) of sub-section (2) of section 46, or fails to comply with a requirement under clause (b) thereof he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. 20

**Cognizance
of offences.**

48. (1) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act. 25

(2) No court shall take cognizance of an offence punishable under section 47, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class to pass a sentence of fine exceeding two thousand rupees on a person convicted of an offence punishable under section 47. 30 5 of 1898.

CHAPTER VIII

35

MISCELLANEOUS

**Jurisdiction
of civil
courts barred
in respect
of certain
matters.**

49. (1) Save as otherwise expressly provided in this Act, no civil court shall entertain any suit or proceeding in so far as it relates to the fixation of standard rent in relation to any premises to which

this Act applies or to eviction of any tenant therefrom or to any other matter which the Controller is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the Controller under this Act shall be granted by any civil court
5 or other authority.

(2) If, immediately before the commencement of this Act, there is any suit or proceeding pending in any civil court for the eviction of any tenant from any premises to which this Act applies and the construction of which has been completed after the 1st day of June, 1951,
10 but before the 9th day of June, 1955, such suit or proceeding shall, on such commencement, abate.

(3) If, in pursuance of any decree or order made by a court, any tenant has been evicted after the 16th day of August, 1958, from any premises to which this Act applies and the construction of which has
15 been completed after the 1st day of June, 1951, but before the 9th day of June, 1955, then, notwithstanding anything contained in any other law, the Controller may, on an application made to him in this behalf by such evicted tenant within six months from the date of eviction, direct the landlord to put the tenant in possession of the premises
20 or to pay him such compensation as the Controller thinks fit.

(4) Nothing in sub-section (1) shall be construed as preventing a civil court from entertaining any suit or proceeding for the decision of any question of title to any premises to which this Act applies or any question as to the person or persons who are entitled to receive
25 the rent of such premises.

50. All Controllers and additional Controllers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Controllers to be public servants.

45 of 1860. 51. No suit, prosecution or other legal proceeding shall lie against
30 any Controller or additional Controller in respect of anything which is in good faith done or intended to be done in pursuance of this Act. Protection of action taken in good faith.

31 of 1950. 52. Nothing in this Act shall affect the provisions of the Administration of Evacuee Property Act, 1950, or the Slum Areas (Improvement and Clearance) Act, 1956, or the Delhi Tenants (Temporary Pro-
96 of 1956. tection) Act, 1956. Saving of operation of certain enactments.
97 of 1956. 35

53. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. power to make rules.

(2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:—
40

(a) the form and manner in which, and the period within

which, an application may be made to the Controller;

(b) the form and manner in which an application for deposit of rent may be made and the particulars which it may contain;

(c) the manner in which a Controller may hold an inquiry 5 under this Act;

(d) the powers of the civil court which may be vested in a Controller;

(e) the form and manner in which an application for appeal or transfer of proceeding may be made to the Tribunal; 10

(f) the manner of service of notices under this Act;

(g) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parlia- 15 ment may make during the session in which they are so laid or the session immediately following.

Repeal and
savings.

54. (1) The Delhi and Ajmer Rent Control Act, 1952, in so far as it is applicable to the Union territory of Delhi, is hereby repealed. 38 of 1952.

(2) Notwithstanding such repeal, all suits and other proceedings 20 under the said Act pending, at the commencement of this Act, before any court or other authority shall be continued and disposed of in accordance with the provisions of the said Act, as if the said Act had continued in force and this Act had not been passed:

Provided that in any such suit or proceeding for the fixation of 25 standard rent or for the eviction of a tenant from any premises to which section 52 does not apply, the court or other authority shall have regard to the provisions of this Act:

Provided further that the provisions for appeal under the said Act shall continue in force in respect of suits and proceedings disposed 30 of thereunder.

THE FIRST SCHEDULE

[See section 1(2)]

THE URBAN AREAS WITHIN THE LIMITS OF THE MUNICIPAL CORPORATION
OF DELHI TO WHICH THE ACT EXTENDS

5 The areas which, immediately before the 7th April, 1958, were
included in—

1. The Municipality of New Delhi excluding the area specified
in the First Schedule to the Delhi Municipal Corporation Act,
1957; 66 of 1957
- 10 2. The Municipal Committee, Delhi;
3. The Notified Area Committee, Civil Station, Delhi;
4. The Municipal Committee, Delhi-Shahdara;
5. The Notified Area Committee, Red Fort;
6. The Municipal Committee, West Delhi.

THE SECOND SCHEDULE

15

[See sections 2(a) and 6(a)]

BASIC RENT

1. In this Schedule, "basic rent" in relation to any premises let out
before the 2nd June, 1944, means the original rent of such premises
20 referred to in paragraph 2 increased by such percentage of the origi-
nal rent as is specified in paragraph 3 or paragraph 4 or paragraph 5,
as the case may be.

2. "Original rent", in relation to premises referred to in paragraph
1, means—

25 (a) where the rent of such premises has been fixed under the
New Delhi House Rent Control Order, 1939, or the Delhi Rent
Control Ordinance, 1944, the rent so fixed; or 25 of 1944.

(b) in any other case,—

30 (i) the rent at which the premises were let on the 1st
November, 1939, or

(ii) if the premises were not let on that date, the rent
at which they were first let out at any time after that date
but before the 2nd June, 1944.

3. Where the premises to which paragraph 2 applies are let out for the purpose of being used as a residence or for any of the purposes of a public hospital, an educational institution, a public library or reading room or an orphanage, the basic rent of the premises shall be the original rent increased by—

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(a) $12\frac{1}{2}$ per cent. thereof, if the original rent per annum is not more than Rs. 300;

(b) $15\frac{5}{8}$ per cent. thereof, if the original rent per annum is more than Rs. 300 but not more than Rs. 600;

(c) $18\frac{3}{4}$ per cent. thereof, if the original rent per annum is more than Rs. 600 but not more than Rs. 1,200;

(d) 25 per cent. thereof, if the original rent per annum is more than Rs. 1,200.

4. Where the premises to which paragraph 2 applies are let out for any purpose other than those mentioned in paragraph 3, the basic rent of the premises shall be the original rent increased by twice the amount by which it would be increased under paragraph 3, if the premises were let for a purpose mentioned in that paragraph.

5. Where the premises to which paragraph 2 applies are used mainly as a residence and incidentally for business or profession, the basic rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4.

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STATEMENT OF OBJECTS AND REASONS

The Delhi Ajmer Rent Control Act of 1952 at present governs the relations between the landlords and tenants in Delhi. In 1956, the Delhi Tenants (Temporary Protection) Act was enacted in order to provide temporary protection against eviction to tenants paying less than Rs. 100 per month as rent. This Act will continue to be in force up to February, 1959.

2. The Delhi Rent Control Bill, which seeks to replace the Delhi Ajmer Rent Control Act of 1952, is intended—

(a) to devise a suitable machinery for expeditious adjudication of proceedings between landlords and tenants;

(b) to provide for the determination of the standard rent payable by tenants of the various categories of premises which should be fair to the tenants, and at the same time, provide incentive for keeping the existing houses in good repairs, and for further investment in house construction; and

(c) to give tenants a larger measure of protection against eviction.

3. The notes on clauses appended to the Bill explain its important provisions.

NEW DELHI;

GOVIND BALLABH PANT.

The 23rd August, 1958.

Notes on some of the clauses of the Bill

Clause 1 and the First Schedule.—The proposed enactment will apply, in the first instance, only to those areas in Delhi to which the Delhi and Ajmer Rent Control Act, 1952, is at present applicable. Provision has, however, been made empowering the Central Government to extend the Act to other areas and also to exclude any area from the operation of the Act.

Clauses 3 to 5.—These clauses follow broadly the earlier Act of 1952.

Clause 5 prohibits a person to claim or receive any rent in excess of the standard rent or any sum or other consideration, whether in cash or in kind, in addition to the rent. When any such sum or consideration is paid by the tenant to the landlord, the tenant would be entitled to get a refund of the amount so paid on an application made to the Controller under clause 13 of the Bill. The contravention of the provisions of clauses 5 (1) and 5(2) has also been made a penal offence under clause 47.

Clause 6 and the Second Schedule.—Rent control was introduced in 1939 in New Delhi by the New Delhi House Rent Control Order of 1939. It was made applicable to old Delhi by the Delhi Rent Control Ordinance of 1944. The Delhi and Ajmer-Merwara Rent Control Act of 1947 replaced the earlier laws on the subject and allowed a graded increase in respect of premises which were let out before 2nd June, 1944. The effect of the increases given in the Act of 1947 was to bring the rent level of pre-1944 premises generally to $7\frac{1}{2}$ per cent. of the cost of construction.

By the Act of 1952, which is currently in force, no changes were made in the rent structure. The court was, however, empowered to fix the standard rent of houses let out after 2nd June, 1944, so as not to exceed $7\frac{1}{2}$ per cent. of the reasonable cost of construction including the market value of the land. The Act also exempted all new houses which were completed between 2nd June, 1951, and 8th June, 1955, for a period of seven years from the date of their completion. The Act was, however, applicable to the premises constructed and let out after 8th June, 1955.

In view of the increase in the cost of building materials and labour, and the need to keep the buildings in the state of repair, the present Bill seeks to provide for an increase of 10 per cent. of the

standard rent in respect of residential and non-residential premises constructed before 2nd June, 1951. For the purpose of fixing standard rent, the premises have been divided broadly into two categories—the premises constructed before the 2nd June, 1951, and those constructed after that date.

In the pre-1951 premises, if they were let before 2nd June, 1944, rent has to be determined in accordance with the provisions of the Second Schedule of the Act of 1952 and an increase of 10 per cent. over such basic rent will be the standard rent. If the premises were let after 2nd June, 1944, and if their rent has already been fixed under any of the earlier Acts, an increase of 10 per cent. over the rent so fixed will be the standard rent. If, however, rent has not been fixed under any of the earlier Acts, standard rent will be determined with reference to 8½th per cent. of the cost of construction of the premises and the price of the land. So long as the standard rent is not so fixed, the rent at which they were first let out together with 10 per cent. of such rent will continue to be the standard rent.

In the case of post-1951 premises, those which were constructed between the 2nd June, 1951, and 8th June, 1955, were exempt from the operation of the existing Act. It is proposed that the rent of such premises should be frozen at the existing level and rent will be payable by the tenants at that rate for the period of seven years for which the premises were exempted under that Act, and as and when the period of exemption expires in respect of any premises, the rent will be revisable on an application to the Controller so as not to exceed 8½th per cent. of the reasonable cost of construction including the market price of the land.

In the case of premises constructed after the 8th June, 1955, it is proposed that the rent at which the premises are first let out shall be deemed to be the standard rent for a period of five years from the date of such letting out and on the expiry of that period rent would be revisable on application to the Controller, having regard to the cost of construction and the price of the land.

Clause 9.—All suits and proceedings arising out of the existing Act of 1952 are adjudicated by civil courts. In order that there may be a more expeditious disposal of such proceedings, it has been provided that such proceedings will be adjudicated by specially appointed Rent Controllers.

Clauses 12 and 13.—The Act of 1952 prescribed that the period of limitation for the filing of an application for the fixation of standard rent or for the refund of any unlawful payment made to the landlord

would be six months. These clauses enhance the period of limitation from six months to one year.

Clause 14.—This clause specifies the grounds on which a tenant may be evicted.

Default in the payment of rent is one of such grounds. It has been dealt with in proviso (a) to clause 14 (1) and clauses 14(2) and 15. In every proceeding for the eviction of a tenant on such a ground, the Controller should make an order directing the tenant to pay or deposit the rent due within one month from the date of the order. If there is any dispute about the rate of rent, the Controller should, within 15 days of the date of the first hearing, fix an interim rent and direct the tenant to pay the amount. He should then fix the standard rent and the arrears should be cleared within one month of the date of the order fixing the standard rent. If there is any dispute as to the person or persons who are entitled to the rent, the Controller should direct the tenant to deposit the rent due and decide the dispute and until the dispute is so decided, no person would be allowed to withdraw the amount of rent in deposit. If a tenant raises a false or frivolous dispute regarding the landlord's title, his defence may be struck off. Provision has been made that no tenant would be liable to eviction on the ground of default in the payment of rent, if the arrears of rent are paid or deposited in accordance with the directions of the Controller. The tenant would not, however, be entitled to any such relief in the event of any subsequent default on his part.

Sub-letting by a tenant is another ground for his eviction. For the purpose of creating a valid sub-tenancy, it is necessary, under the Act of 1952, to obtain a written consent of the landlord but no such written consent was necessary under the Act of 1947. This problem of sub-tenancy has been dealt with in the proviso (b) to clause 14 (1), clauses 14(3), 14(4), 16 and 17.

The existing provisions have been retained but it has also been provided that in the case of non-residential premises, sub-letting will be prohibited even in the form of partnership without the written consent of the landlord.

As it is often difficult to ascertain whether a sub-tenancy was lawfully created, clause 16 provides that every tenant and sub-tenant may give notice of the creation of sub-tenancy and if there is any dispute over the matter, the Controller would settle it. Such a sub-tenant who has given notice of his sub-tenancy cannot be evicted unless the order of eviction is made binding on him. Clause

17 further provides for the circumstances in which a sub-tenant can become a tenant holding directly under the landlord.

Using premises for a purpose other than that for which it is let is also a ground for eviction under the existing law. It has been provided in clause 14(5) that no proceeding for the eviction of a tenant on such a ground would lie unless the landlord has given notice to stop the misuse and the tenant has failed to comply with the requirement. It is further provided that no order shall be made for eviction on such a ground, unless the misuse is of a nature detrimental to the interest of the landlord.

Under the existing law, a landlord can recover possession of any premises let for residential purposes, if they are required *bona fide* by the landlord or his family. Under the Bill, *bona fide* requirement of the premises for the family of the landlord will not be a ground for the eviction of the tenant. It is also provided that an order for eviction on such a ground will not be executed within six months from the date of the order and the landlord has further been prohibited under clause 18 from re-letting the premises for a period of three years except with the prior approval of the Controller. Infringement of this provision has been made a penal offence under clause 47.

Clause 14(7) further provides that when a landlord wants to recover possession of any premises for the purpose of building or rebuilding or making substantial alterations to any premises, the Controller shall not pass the order of eviction, unless he is satisfied that such reconstruction will not alter the purpose for which the premises were originally let and that the landlord has necessary funds to carry out the reconstruction.

Under the existing law, a tenant can be evicted, if his conduct is a nuisance or causes annoyance to others. This provision has been omitted from the Bill.

Clause 20.—In order to ensure that tenancies for limited periods are created only in genuine cases, this clause provides that an agreement for the creation of such a tenancy must be made with the approval of the Controller.

Clauses 25 to 28.—These clauses deal with the provisions relating to deposit of rent. They impose an obligation on the landlord to issue a receipt for the amount of rent paid. They deal with the circumstances in which rent may be deposited with the Controller and certain incidental matters.

Clauses 29 to 33.—These clauses correspond to sections 22 to 28 of the existing Act of 1952 with suitable modifications.

Clause 34.—Under the existing law, all proceedings relating to the fixation of standard rent or the eviction of tenants are adjudicated by civil courts. This clause contemplates appointment of Controllers and additional Controllers for the disposal of such proceedings.

Clauses 35 to 42.—These clauses deal with the powers of Controllers, procedure to be followed by them, the appointment of a Rent Control Tribunal to hear appeals against the orders of Controllers and additional Controllers and other incidental matters.

Clause 49.—Sub-clause (1) bars the jurisdiction of civil courts in respect of all matters which the Controller is competent to decide.

The premises constructed between 2nd June, 1951, and 8th June, 1955, were exempt from the Act of 1952. It is now proposed to extend the provisions relating to protection against eviction to such premises also. Sub-clauses (2) and (3) seek to give some relief to the tenants of such premises in respect of eviction proceedings instituted before the commencement of the Act.

Clause 52.—The Delhi Tenants (Temporary Protection) Act, 1952, will continue to be in force till February, 1959. It is proposed that the operation of that Act should not be affected by the provisions of this Bill.

Provisions of the Slum Areas (Improvement and Clearance) Act, 1956, will also not be affected by the present Bill. Under that Act, a tenant living in a declared slum area cannot be evicted in pursuance of any decree or order except with the previous permission in writing of the competent authority. The protection given to the tenants in slum areas would not be affected by this Bill.

Existing provisions in the Administration of Evacuee Property Act, 1950, would also remain undisturbed by this Bill.

Clause 54.—This Bill, when enacted, would replace the earlier Act of 1952. But a large number of suits and proceedings under that Act are pending before various civil courts. It is proposed not to transfer them to Controllers but to allow the civil courts to dispose them of. The civil courts, however, should have regard to the provisions of the Bill in disposing of such proceedings.

FINANCIAL MEMORANDUM

Clause 34 of the Bill contemplates the appointment of Controllers and additional Controllers for the expeditious adjudication of proceedings which may arise out of the provisions of the Bill when enacted. For this purpose, it is proposed to divide Delhi into a number of zones, with a Rent Controller for each such zone. Under section 37, appeals from the orders of Controllers will lie to the Rent Control Tribunal. It is proposed to appoint six Controllers with their complement of subordinate staff. The Appellate Tribunal will consist of a district judge. The total cost on the officers and staff is expected to be about Rs. 89,900 per annum. During the first year the expenditure will not exceed half the amount.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 53 of the Bill empowers the Central Government to make rules in respect of matters specified therein. They relate, *inter alia*, to the form and manner in which applications may be made to Controllers or for deposit of rent, the manner in which inquiries may be held by Controllers, the form and manner in which appeals and applications for transfer may be made and the manner of service of notice required to be served. The matters in respect of which rules may be made are of a routine and administrative character. Moreover, the rules shall be subject to the scrutiny of Parliament. The delegation of legislative power is thus of a normal character.

M. N. KAUL,
Secretary.

CORRIGENDUM

In the Statement of Objects and Reasons appended to the Minimum Wages (Amendment) Bill, 1958 by Shri Kanhaiya Lal Balmiki, M. P. published in the Gazette of India, Extraordinary Part II, Section 2, dated the 2nd May, 1958, (issue No. 22) on page 632, in line 6, for the words 'Article 29' read 'Article 23'.